



United States Government

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Re: WestRock Services, Inc., Case 10-CA-195617

Dear Counsel:

The National Labor Relations Board is presently considering the Respondent's Motion to Dismiss the Complaint, which argues that the Respondent is entitled to judgment as a matter of law. In its Motion to Dismiss, the Respondent contends that the administrative law judge lacks authority in this proceeding because (i) the judge is an inferior officer under the Appointments Clause of the United States Constitution, and (ii) the Board is not a Head of Department with authority to validly appoint the judge pursuant to the Appointments Clause. U.S. Const., art. II, sec. 2, cl. 2.

The Board has decided to take the Respondent's Motion to Dismiss under advisement; and pending the Board's further consideration and resolution of the Respondent's Motion, the parties and the judge are directed to conduct the hearing that is scheduled to commence on November 15, 2017 and to comply with the Board's normal post-hearing procedures, which shall be without prejudice to the positions of the Respondent and other parties in relation to the Respondent's Motion to Dismiss.

Very truly yours,

Roxanne L. Rothschild  
Deputy Executive Secretary